

October 4, 2005

The Honorable Richard D. Bennett
United States District Court
for the District of Maryland
Garmatz Federal Courthouse
101 West Lombard Street
Baltimore, MD 21201

RE: Timothy Sarvis v. Metabolife International, Inc., et al.
Civil Case No.: RDB-05-2411

Dear Judge Bennett:

As per your request during today's conference call, I am writing to clarify certain issues that have arisen in this case by virtue of the bankruptcy petitions filed on behalf of two of the defendants, Metabolife International, Inc. and Alpine Health Products, LLC.

Metabolife and Alpine Health filed bankruptcy petitions in the U.S Bankruptcy Court for the Southern District of California in June 2005. As indicated in my letter of September 13, 2005, the bankruptcy court recently granted a motion for temporary restraining order and preliminary injunction filed on behalf of Metabolife and Alpine Health, and issued an order staying all ephedra-related litigation against Metabolife, Alpine Health, and third parties such as The Chemins Company and Rite Aid Corporation. (This case is specifically listed in the motion as a case that should be subject to the proposed stay.) The order states that the injunction will be in effect until December 6, 2005, however, it is anticipated that the injunction will be extended while the parties attempt to negotiate a global claims-resolution process.

Metabolife sought to have ephedra litigation against third parties such as Chemins and Rite Aid stayed as part of the bankruptcy proceeding because Metabolife has agreements with these parties that may obligate Metabolife to defend and/or indemnify them, thereby impacting the bankruptcy proceeding.

Metabolife has also recently filed a motion to transfer all ephedra-related litigation, including cases involving third parties such as Chemins and Rite Aid, to the bankruptcy court. A hearing on that motion is scheduled for October 24, 2005. If this case is not transferred to

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the bankruptcy court, it will likely be consolidated with the related multi-district litigation pending in the Southern District for New York.

We will report to Your Honor with any developments. Thank you for your attention to this matter, and please contact me with any questions.

Sincerely,
/s/
Susan E. Smith

SES/
cc: All parties and counsel of record